IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

Crl.MC.No. 1523 of 2007()

MC.96/2005 of
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PETITIONER: RESPONDENT:

K. ABDUL KHADER, AGED 47 YEARS,
S/O. V.P. ASSAINAR HAJI, NEAR V.H.C.,
P.O. UDUMPUMCHOLA, HOSDURG TALUK, KASARAGOD DIST.

BY ADV. SRI.A.K.ABDUL AZEEZ
SMT.M.R.JAYALATHA

RESPONDENTS: PETITIONERS:
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1. THAIVA, D/O.LATE HAJI ABDUL HASSAN,
P.K. MANZIL, P.O. ELAMPACHI, THACHALAM,
SOUTH THRIKARIPOOR VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.

2. ABDUTHAVAR, AGED 17 YEARS,
S/O. K.ABDUL KHADER, P.K., MANZIL, -DO- -DO-.

3. SHAHARBAN, AGED 15 YEARS,
S/O. K.ABDUL KHADER, -DO- -DO-.

4. MUHAMMAD AZAD, AGED 13 YEARS,
S/O. K. ABDUL KHADER, -DO- -DO-.

5. JUMAILATHU, AGED 9 YEARS,
S/O. K.ABDUL KHADER, -DO- -DO-.

6. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI.S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 1523 OF 2007

Dated this the 25th day of May, 2007

ORDER

The petitioner has suffered an order directing him to pay maintenance under Sec.125 of the Cr.P.C. The Family Court by Annexure-A1 order directed the petitioner to pay maintenance to the claimants – his wife and children. Maintenance amount was not paid. Steps for execution were taken. By Anexure-A2 order the petitioner has been sentenced to undergo imprisonment for three months for non-payment of maintenance.

2. The petitioner has come to this Court claiming to be aggrieved by Annexure-A2 order. What is his grievance? There is no averment that the procedure followed is incorrect. There is no specific contention raised that necessary steps which should precede the issue of a non-bailable warrant of arrest and detention of the petitioner have not been followed.

The short contention is that the order passed by the Family Court awarding maintenance is not just. Annexure-A1 order has become final and has not been challenged. In these circumstances, I find absolutely no merit in the challenge raised against Annexure-A2 order.

3. This Crl.M.C. is, in these circumstances, dismissed.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge